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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/423,776	01/07/2000	COLIN DUNLOP	GRIHAC -P26AU	7142	
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DAVIS AND BUJOLD			NASSER, R	NASSER, ROBERT L	
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			3736	22	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Art Unix Art Unix			Application No.	Applicant(s)				
Robert L. Nasser 3736	,		09/423,776	DUNLOP, COLIN				
The MALLNG DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIREMONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Extendents of their may be written upon the provision of 30°CPR 1.736(a), in no event, however, may a reply be timely filed by the period for reply specified above; is less than itsity (30) days, a reply which the statutory minimum of thinty (30) days will be considered timely. If the period for reply specified above; is less than itsity (30) days, a reply which the period for reply specified above; is less than itsity (30) days, a reply which the period for reply will, by statute, cause the application to become AAMCORED (50 VLS.2, § 130). If the period for reply specified above; is less than itsity (30) days, a reply which the period for reply will, by statute, cause the application to become AAMCORED (50 VLS.2, § 130). If the period for reply specified above; is less than itsity (30) days, a reply which the statutory minimum of thinty (30) days will be considered the reply will, by statute, cause the application to become AAMCORED (50 VLS.2, § 130). Responsive to communication(s) filed on		Office Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of imer may be waited used the provision of 3 CFR 1.19(a). In no event, however, may a reply be timely filed after \$1X (6) MONTHS from the mailing date of this communication. It NO period to make you will be considered in the provision of the communication of the provision of			ears on the cover sheet with the c	orrespondence address				
1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Notice of References Cited (PTO-852) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	THE M - Extens after S - If the p - If NO p - Failure - Any re earned	IAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.13 IX (6) MONTHS from the mailing date of this communication. leriod for reply specified above is less than thirty (30) days, a reply beriod for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, ply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be timed within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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Application/Control Number: 09/423,776

Art Unit: 3736

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 98 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marks.

Claims 66-97 are allowable in that although Marks teaches that cardiac output is important in anesthetized patients, it does not teach controlling anesthesia delivery based on an indication of cardiac output, as claimed. In addition, none of the remaining, as previously discussed, teaches using cardiac output to trigger delivery of anesthesia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert L. Nasser whose telephone number is (703) 308-3251. The examiner can normally be reached on Mon-Fri, variable hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (703) 308-3130. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Robert L. Nasser Primary Examiner Art Unit 3736

RLN January 20, 2004

Phy & Mason

ROBERT L. NASSER PRIMARY EXAMINER